

FILED 06 AUG 17 14:32 USDC OR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID NASH,) Civil No. 04-6291-CO
)
 Plaintiff,) ORDER
)
 v.)
)
 KEN LEWIS, et al.,)
)
 Defendants.)

PANNER, Judge.

On July 7, 2006, Magistrate Judge Cooney filed his Findings and Recommendation (docket # 149), recommending that Defendant's Motion to Dismiss (# 82) be denied. Because Plaintiff attached documents to his response to the motion to dismiss, in regard to the statute of limitations, Judge Cooney converted that portion of the motion into a motion for summary judgment.

The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). Although no objections have been timely filed, this court still must review the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983) (absence of objection does not relieve "district court of its obligation . . . to decide for itself

whether the Magistrate's report is correct") .

I find no error.

Conclusion

Magistrate Judge Cooney's Findings and Recommendation (docket # 149) are adopted. Defendant's Motion (# 82) to Dismiss (or for summary judgment as to the statute of limitations issue) is denied.

IT IS SO ORDERED.

DATED this 17 day of August, 2006.



Owen M. Panner
United States District Judge